



SECONDARY EMPLOYMENT FOR LAW ENFORCEMENT

Directive 4 - 112

Date of Issue: July 2013 Amends/Cancels: G.O. 12-15

I. PURPOSE

The purpose of this Directive is to establish written policy governing secondary employment for law enforcement officers.

II. POLICY

The nature and duties of Police Officers require that they work irregular duty schedules, which are subject to change in order to meet operational needs. It is of paramount importance officers have adequate rest in order to remain alert during their tour of duty. Additionally, certain occupations inherently conflict with an officer's primary responsibilities as a law enforcement officer. For these reasons, the Department may limit or prohibit secondary employment which is detrimental to the objectives of the Department. It is the policy and intention of DGS-MCP to permit secondary employment whenever it neither interferes with the effectiveness of an employee's regular, full-time employment, nor tends to compromise the officer or the Department. However, outside employment must not become full-time additional employment, and officers who are directed to work overtime or work on their days off will do so regardless of approved secondary employment.

III. PROCEDURES

A. Request for Approval

1. All Police Officers desiring to work secondary employment must complete a Form 168 (Request to Engage in Secondary Employment), which will be forwarded to the Chief of Police via the chain of command.
2. The Chief of Police reserves the right to approve or deny all requests for secondary employment. Once denied the employee may not engage in the requested secondary employment.
3. The Police Officer will provide the Department with the name of the employing business, address and telephone of the business, the job site location(s) telephone number(s) at any and all job sites (if available), the nature of the duties that the officer will be performing, and any other information that the Department deems appropriate and necessary.
4. Any Police Officer that is on sick, injury, administrative, or any type of restricted leave must obtain special permission from the Chief of Police prior to working secondary employment.
5. The Police Officer must re-apply for permission to work any and all secondary employment; annually.

6. When a Police Officer terminates his off-duty secondary employment, he will immediately notify the Chief of Police, in writing, via the chain of command.
7. Any Police Officers in entry level training in a police academy will not be eligible for secondary employment. Police officers that are in a field-training program may be eligible at the discretion of the Chief of Police.

B. Limitations

1. The maximum limit for secondary employment will be twenty hours per week, not including days off or leave time. Police Officers will make sure that they have a rest period of eight consecutive off duty hours between the time that the secondary employment ends and the time that the next tour of duty begins. Police Officers will not work more than sixteen hours in any twenty-four hour period. Adequate rest is crucial in assuring that the Police Officers remain alert and capable of performing any tasks that may be required of them while working.
2. Police Officers will not accept secondary employment when a conflict of interest appears to exist between the Department and the secondary employer. If such a situation should arise, the officer will immediately notify the Chief of Police via the chain of command.
3. Police Officers will not engage in any secondary employment that would adversely affect their ability to perform their duties or their quality of work.
4. Police Officers will not be involved in any secondary employment that might bring disfavor, disrespect, or discredit to either the officer or the Department.
5. With the exception of the bullet resistant vest, Police Officers will not utilize any department issued equipment or uniforms while engaged in secondary employment.
6. Police Officers will not utilize any department issue firearm, ammunition, or equipment while engaged in secondary employment.

C. Prohibited Employment – Officers are prohibited from involvement in secondary employment that:

1. Involves quasi-police functions including, but not limited to, accident investigations, vehicle repossessions, collecting bad checks, or claims adjusting.
2. Might involve the use of any Department records, files, computer files, such as MILES, NCIC, or other official state or law enforcement databases, or any privileged or confidential information.
3. Provides security services of any kind at a business while a strike, labor unrest, contract dispute, work slowdown, or any such activity exists or is pending.
4. Is located in a business wherein alcoholic beverages are sold or dispensed as the primary service of the business. Police Officers will not be involved in any manner in the sale or dispensing of alcohol.

5. Requires the Police Officer to be a commissioned Police Officer for any other political subdivision. This does not apply to duties related to U.S. Military Reserves or National Guard activities.
6. Requires the Police Officer to be a commissioned Special Police Officer.
7. Entails working for or on behalf of any private detective, attorney, insurance agency, bail bond agency, or involvement of any form of private or public investigative duties, including the service of civil processes (the sale of insurance is exempted).
8. Manages, supervises or operates a private detective agency.
9. Conflicts with any Department rule, regulation, or directive.

D. Exercise of Authority

1. Police Officers are reminded that when they are hired by business entities to provide security services, they do so with the authority and in the manner of a security guard. The Maryland Court of Appeals has ruled that an off-duty Police Officer that is employed as a security guard for a business entity does not take official action as a Police Officer; rather, the officer acts as, and with the authority of, a security guard. Further, the Police Officer employed in such a position is not entitled to “public official immunity” or “qualified immunity.”
2. Police Officers working as Security Guards for business entities may only take enforcement action in the following circumstances:
 - a. The Police Officer has reasonable grounds to believe that a felony has been committed and the suspect has committed it.
 - b. A misdemeanor is being committed in the Police Officer’s presence that amounts to a breach of the peace, consisting of dangerous, disorderly conduct that presents a serious danger to the officer and/or the public and has the significant potential to cause grave injury or death. An example of this type of crime would be reckless endangerment.
3. When a Police Officer working as a Security Guard makes a citizens arrest for a violation of law, as authorized by this order, the local police department having jurisdiction in the location of the incident will be immediately notified. When the local police arrive on the scene, they will assume responsibility for the investigation of the incident, transport of any prisoners for processing, and the filing of any charging documents. The DGS-MCP Police Officer will cooperate with the responding agency during the course of the investigation. Additionally, the DGS-MCP Police Officer will submit a Form 13 to the Chief of Police detailing the incident and any action taken by the DGS-MCP Police Officer.
4. If the Police Officer has to appear in court as a witness because of any situation connected with secondary employment, the officer will not be compensated by the Department of General

Services. If a court appearance is scheduled for a date and time when the officer is also scheduled to be on duty with the DGS-MCP, the officer must use his personal leave.

5. While engaged in secondary employment, Police Officers will not display their badge of authority or wear it in a manner whereby others can readily see it. Further, the Police Officer will not wear or display an issued state identification card in a manner where others can readily see it. A Police Officer is authorized to display his badge or other official identification in the interests of Police Officers safety, when interaction is reasonably anticipated or occurring with officers from an allied police agency, or when an emergency situation exists and it is reasonable and prudent for the Police Officer to identify himself.